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1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK

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3 UNITED STATES OF AMERICA,

4 v.

17 CR 595 (PGG)

5 NICHOLAS DE-MEYER,

6 Defendant.

7 -----x

8 New York, N.Y.

9 March 6, 2018

2:50 p.m.

10 Before:

11 HON. PAUL G. GARDEPHE,

12 District Judge

13
14 APPEARANCES

15 GEOFFREY S. BERMAN

Interim United States Attorney for the

16 Southern District of New York

JUSTIN A. ANDERSON

17 Assistant United States Attorney

18 FEDERAL DEFENDERS OF NEW YORK

Attorneys for Defendant

19 MARTIN COHEN

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(Case called; in open court)

THE DEPUTY CLERK: Is the government ready?

MR. RODRIGUEZ: Good afternoon, your Honor. Justin Rodriguez for the United States.

THE DEPUTY CLERK: Defendant ready?

MR. COHEN: Martin Cohen and Susan Nudelman on behalf of Mr. De-Meyer from the Federal Defenders.

THE COURT: This is a case about interstate transportation of stolen property. This is our first conference in the case.

Mr. Rodriguez, where are we in terms of discovery?

MR. RODRIGUEZ: Your Honor, the government made its initial production of Rule 16 discovery on February 27th. That production included a recorded phone call between the defendant and the victim's wife on November 17th, 2016, as well as approximately 4200 pages of records. Those records included an e-mail search warrant and supporting papers, historical cell site orders and supporting papers, phone records from Verizon and Team Mobile, records from Google, bank records relating to the defendant's bank account at First Republic Bank, bank records for a J P Morgan account relating to an account in the name of the defendant's partner, records from an insurance company and wine sellers relating to the stolen wine at issue in this case, various photographs of the defendant's passport, incident reports, and other e-mails.

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1 The government still has a small amount of Rule 16
2 discovery in its possession that it is processing for
3 production and anticipates completing that within a week or so.

4 THE COURT: What is outstanding? Can I characterize
5 it in some way?

6 MR. RODRIGUEZ: Yes. The government has in its
7 possession records from an American Express relating to cards
8 in both of the defendant's names and in the name of his
9 partner, additional records from First Republic Bank and I
10 believe the credits reports of the defendant as well.

11 THE COURT: Mr. Cohen, do you anticipate any motions?

12 MR. COHEN: Your Honor, I don't know. We'll have to
13 take a look at the discovery. Our request would be that the
14 Court would give us about 30 days to do that to let the Court
15 know whether there are any motions to be filed.

16 THE COURT: So that would bring us to, say, April 9th
17 or thereabouts, Mike.

18 THE DEPUTY CLERK: April 9 at 12:30 is available.

19 THE COURT: Is that convenient to everybody, April 9th
20 at 12:30?

21 MR. COHEN: Your Honor, if we can have something the
22 week before that.

23 THE COURT: Okay.

24 THE DEPUTY CLERK: The 4th at 12:30.

25 MR. COHEN: Thank you very much.

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1 THE COURT: Is that all right with you, Mr. Rodriguez?

2 MR. RODRIGUEZ: Yes, your Honor.

3 THE COURT: Our next conference will be April 4th at
4 12:30.

5 Does the government wish me to exclude time between
6 then and now.

7 MR. COHEN: Yes, your Honor. The government would
8 move to exclude time under the Speedy Trial Act between now and
9 April 4th because such an exclusion would be in the interest of
10 justice, it would allow defendant the opportunity to review
11 discovery and decide which motions if any are appropriate, and
12 it would also afford the parties an opportunity to engage in a
13 discussion about potential pretrial dispositions.

14 THE COURT: Any objection, Mr. Cohen?

15 MR. COHEN: No, your Honor.

16 THE COURT: I will exclude time between now and
17 April 4th, 2018 under the Speedy Trial Act pursuant to Title
18 18, United States Code, Section 3161(h)(7)(A) to permit defense
19 counsel to determine whether there will be any pretrial
20 motions, to conduct his review of the discovery material, and
21 to think about whether there will be a pretrial disposition in
22 this case. I do find that the ends of justice served by the
23 granting of this continuance outweigh the best interests of the
24 defendant and the public in a speedy trial.

25 Is there anything else?

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1 MR. RODRIGUEZ: Not the from the government, your
2 Honor.

3 MR. COHEN: Nothing for Mr. De-Meyer. Thank you very
4 much, your Honor.

5 THE COURT: Thank you.

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